

## Report on Standing Committee on Discipline 2017

### Investigation

1. During 2017 (as of 15 December 2017), there have been **17 disciplinary matters** (15 were formal complaints and 2 were initiated by the Bar Council itself). In 2016, there were 15 formal complaints. The results/progress of the 17 cases are as follows:

Result/Progress	No. of matters
Found unsubstantiated and dismissed / No further action be taken against the barrister	<b>5</b>
Referral to BDT	<b>1</b>
Barrister being Admonished / Advised	<b>0</b>
Under investigation	<b>11</b>

2. Also during this year, 3 disciplinary matters arising in 2012 (all were formal complaints), 1 disciplinary matter arising from 2013 (initiated by the Bar Council itself), 2 disciplinary matters arising in 2014 (1 was formal complaint and 1 was referred from the Judiciary), 4 disciplinary matters arising in 2015 (3 were formal complaints and 1 was initiated by the Bar Council) and 7 disciplinary matters arising in 2016 (6 were formal complaints and 1 was initiated by the Bar Council) were in progress of investigation. The results/progress of these **17** cases are as follows:

Result	No. of matters
Found unsubstantiated and dismissed / No further action be taken against the barrister	<b>6*</b>
Referral to BDT	<b>2</b>
Barrister being Admonished / Advised	<b>1</b>
Under investigation	<b>8</b>

*(\*2 matters in relation to the same barrister were dismissed as a result of the concerned barrister passing away in April 2017)*

3. At the beginning of the year the Committee enquired with 7 practising members, all of which renewed their Practising Certificates late, as to their positions of practice from 1 January 2017 up to the date of renewal/the date of enquiry. As a result of the enquiries, 1 member who failed to answer request for information in relation to his late renewal of Practising Certificate was admonished by the Chairman of the Bar. I am

glad to say that no member has been found to have practised without holding a valid Practising Certificate.

### **Barristers Disciplinary Tribunal**

4. During the year, the Barristers Disciplinary Tribunal (BDT) handled a total of **3 BDT matters**, 2 of which were concluded and the outcome is as follows:-

<b>Case Ref</b>	<b>Outcome</b>
17/2012	3 complaints laid were all found proved by the Respondent's own guilty plea.
06/2014 & 07/2015 (consolidated)	2 complaints laid were found proved and 1 complaint was dismissed by BDT.

5. At present, there are **5 outstanding BDT matters**, 1 of which (initiated by the Bar Council in 2015) is being handled by the BDT, whilst the other 4 (2 initiated by the Bar Council in 2014 and 2016 respectively, and 2 complaints received in 2016 and 2017 respectively) are pending referral to the BDT.
6. The following members served on the Committee this year: Mr. Edwin Choy (Vice-Chairman), Mr. Johnny Mok SC, the Hon. Madam Justice Lisa Wong (until her appointment as High Court Judge in March 2017), Mr. Anthony Houghton SC, Mr. Nicholas Cooney SC, Mr. Graham Harris SC, Mr. Eugene Fung SC, Mr. Richard Khaw SC, Mr. Ronald Tang, Mr. Bernard Chung, Mr. Walker Sham, Mr. Alfred Liang, Mr. Lawrence Ng, Mr. Timmy Yip, Mr. Joseph Vaughan, Mr. Sanjay Sakhrani, Mr. Ling Chun Wai, Ms. Phillis Loh, Mr. Paul H.M. Leung, Mr. Charles J Chan, Ms. Elaine Liu, Ms. Amanda Li, Mr. Tony Li and Mr. Martin Wong.
7. The members of the Committee have contributed significant amount of their time to investigate the discipline matters and provide their invaluable views on them. I am most grateful to the assistance offered by the members of the Committee. Their careful scrutiny of and impartial advice on each case is a key to maintaining the Bar as a self-regulatory body in disciplinary matters.
8. I would like to express my special thanks to Mr. Edwin Choy, Vice-Chairman of the Committee, for his tremendous assistance in screening and reviewing discipline matters, offering astute analysis, and deputizing me on many occasions.
9. Finally, I would also like to express my heartfelt gratitude to the staff of the Bar Secretariat in respect of their most reliable assistance in handling disciplinary matters and making arrangement for BDT hearings, in particular Mr. Charles Tsang in fully dedicating himself to the works of the Committee.

Anson Wong SC  
Chairman, Standing Committee on Discipline

14 December 2017